

SIXTY-FOURTH LEGISLATIVE DAY

The House met at 5:00 p.m. and was called to order by Mr. Speaker McWherter.

The proceedings were opened with prayer by Mr. E. R. Beasley, Stroudsville Church of Christ, Stroudsville, Tennessee.

Representative Pickering led the House in the Pledge of Allegiance to the Flag.

The roll call was taken with the following results:

Present 92

Representatives present were: Anderson, Atchley, Bell, Bewley, Bivens, Bragg, Brewer, Buck, Byrd, Chiles, Clark (Davidson), Clark (Sumner), Cobb, Covington, Crain, Davidson, Davis (Gibson), DeBerry, DePriest, Dills, Disspayne, Dixon, Duer, Ellis, Elsea, Ford, Frensey, Gafford, Gaia, Gill, Harrill, Hassell, Henry, Herndon, Hillis, Hudson, Hurley, Huskey, Jared, Johnson, Jones, Kelley, Kent, Kernell, King (Shelby), King (Washington), Kisber, Love, McAfee, McKinney, McNally, Miller, Montgomery, Moody, Moore (Shelby), Moore (Sullivan), Murphy, Murray, Naifeh, Nance, Napier, Owen, Percy, Phillips, Pickering, Rhinehart, Robertson, Robinson (Davidson), Robinson (Hamilton), Robinson (Washington), Scruggs, Severance, Shirley, Sir, Smith, Stallings, Starnes, Tanner, Turner (Hamilton), Turner (Shelby), Ussery, Wallace, Webb, Wheeler, Whitson, Williams, Wix, Wolfe, Wood, Work, Yelton and Mr. Speaker McWherter--92.

The Speaker announced that Representative Stafford was excused because of illness.

The Speaker announced that Representative Copeland was excused because of death in family.

ENROLLED BILLS

MR. SPEAKER:

Your Chief Engrossing Clerk begs leave to report that we have carefully compared House Resolutions Nos. 115 and 116; and find same correctly enrolled and ready for the signatures of the Speakers.

MARILYN EVELYN HAND,
Chief Engrossing Clerk.

SIGNED

The Speaker announced that he had signed the following: House Resolutions Nos. 115 and 116.

CALENDAR

Mr. Love moved that House Bill No. 761 be placed on the Calendar for Monday, April 30, 1984, which motion prevailed.

Mr. Love moved that House Bill No. 351 be placed on the Calendar for Monday, April 30, 1984, which motion prevailed.

Mr. Davis (Gibson) moved that House Bills Nos. 2248 and 2249 be placed on the Calendar for Wednesday, May 2, 1984, which motion prevailed.

Mr. Wood moved that House Bill No. 1816 be placed on the Calendar for Thursday, April 26, 1984, which motion prevailed.

Mr. Speaker McWherter relinquished the Chair to Mr. Brewer, Speaker pro tem.

House Bill No. 1494--To grant priority certain employees.

On motion, House Bill No. 1494 was made to conform with Senate Bill No. 1631.

On motion, Senate Bill No. 1631, on same subject, was substituted for House Bill No. 1494.

Mr. Byrd moved that Senate Bill No. 1631 be passed on third and final consideration, which motion prevailed by the following vote:

Ayes	89
Noes	2

Representatives voting aye were: Anderson, Atchley, Bell, Bewley, Bivens, Bragg, Brewer, Buck, Byrd, Chiles, Clark (Davidson), Clark (Sumner), Cobb, Covington, Crain, Davidson, Davis (Gibson), Davis (Pickett), DeBerry, DePriest, Dills, Disspayne, Dixon, Drew, Duer, Ellis, Elsea, Ford, Frensley, Gafford, Gaia, Gill, Harrill,

Hassell, Henry, Herndon, Hillis, Hurley, Huskey, Jared, Johnson, Jones, Kelley, Kent, Kernell, Kisber, Love, McAfee, McKinney, McNally, Miller, Montgomery, Moody, Moore (Shelby), Moore (Sullivan), Murphy, Murray, Naifeh, Nance, Napier, Owen, Percy, Phillips, Pickering, Pruitt, Rhinehart, Robertson, Robinson (Davidson), Robinson (Hamilton), Robinson (Washington), Scruggs, Severance, Sir, Smith, Stallings, Starnes, Tanner, Turner (Hamilton), Ussery, Wallace, Webb, Wheeler, Whitson, Williams, Wix, Wolfe, Wood, Work and Yelton--89.

Representatives voting no were: Hudson and King (Washington)--2.

A motion to reconsider was tabled.

House Bill No. 1745--To regulate filing of claim against estate.

On motion, House Bill No. 1745 was made to conform with Senate Bill No. 1851.

On motion, Senate Bill No. 1851, on same subject, was substituted for House Bill No. 1745.

Mr. Byrd moved that Senate Bill No. 1851 be passed on third and final consideration, which motion prevailed by the following vote:

Ayes	93
Noes	0

Representatives voting aye were: Anderson, Atchley, Bell, Bewley, Bivens, Bragg, Brewer, Buck, Byrd, Chiles, Clark (Davidson), Clark (Sumner), Cobb, Covington, Crain, Davidson, Davis (Gibson), Davis (Pickett), DeBerry, DePriest, Dills, Disspayne, Dixon, Drew, Duer, Ellis, Elsea, Ford, Frensey, Gafford, Gaia, Gill, Harrill, Hassell, Henry, Herndon, Hillis, Hudson, Hurley, Huskey, Jared, Johnson, Jones, Kelley, Kent, Kernell, King (Shelby), King (Washington), Kisber, Love, McAfee, McKinney, McNally, Miller, Montgomery, Moody, Moore (Shelby), Moore (Sullivan), Murphy, Murray, Naifeh, Nance, Napier, Owen, Percy, Phillips, Pickering, Pruitt, Rhinehart, Robertson, Robinson (Davidson), Robinson (Hamilton), Robinson (Washington), Scruggs, Severance, Shirley, Sir, Smith, Stallings, Starnes, Tanner, Turner (Hamilton), Ussery, Wallace, Webb, Wheeler, Whitson, Williams, Wix, Wolfe, Wood, Work and Yelton--93.

A motion to reconsider was tabled.

House Bill No. 1696--To make certain provisions, emergency vehicles.

Mr. Tanner moved that House Bill No. 1696 be passed on third and final consideration.

Mr. Robinson (Davidson) moved to amend as follows:

AMENDMENT NO. 1

Amend House Bill No. 1696 by deleting Section 1 in its entirety.

Section 2 becomes Section 1 and would be the bill in its entirety.

On motion, the amendment was adopted.

Mr. Robinson (Davidson) moved to amend as follows:

AMENDMENT NO. 2

Amend House Bill No. 1696 by redesignating Section 3 to be Section 4 and by adding a new Section 3, as follows:

SECTION 3. The provisions of this act shall not apply in counties having a metropolitan form of government.

On motion, the amendment was adopted.

Thereupon, House Bill No. 1696, as amended, passed its third and final consideration by the following vote:

Ayes	88
Noes	1
Present and not voting	1

Representatives voting aye were: Anderson, Atchley, Bell, Bewley, Bivens, Buck, Byrd, Chiles, Clark (Davidson), Clark (Sumner), Cobb, Covington, Crain, Davidson, Davis (Gibson), Davis (Pickett), DeBerry, DePriest, Dills, Disspayne, Dixon, Drew, Duer, Ellis, Elsea, Frensley, Gafford, Gaia, Gill, Harrill, Hassell, Henry, Herndon, Hillis, Hudson, Hurley, Huskey, Jared, Johnson, Jones, Kelley, Kent, Kernell, King (Shelby), King (Washington), Kisber, Love, McAfee, McKinney, McNally, Miller, Montgomery, Moody, Moore (Shelby), Moore (Sullivan), Murphy, Murray, Naifeh, Nance, Napier, Owen, Percy, Phillips, Pickering, Pruitt, Rhinehart, Robertson, Robinson (Davidson), Robinson (Hamilton), Robinson (Washington), Scruggs, Severance, Shirley, Sir, Smith, Stallings, Starnes, Tanner, Ussery, Wallace, Webb, Wheeler, Whitson, Williams, Wolfe, Wood, Work and Yelton--88.

Representative voting no was: Bragg--1.

Representative present and not voting was: Brewer--1.

A motion to reconsider was tabled.

House Bill No. 1852--To extend period for filing severance tax reports.

On motion, House Bill No. 1852 was made to conform with Senate Bill No. 1968.

On motion, Senate Bill No. 1968, on same subject, was substituted for House Bill No. 1852.

Mr. King (Washington) moved that Senate Bill No. 1968 be passed on third and final consideration, which motion prevailed by the following vote:

Ayes	93
Noes	0

Representatives voting aye were: Anderson, Atchley, Bell, Bewley, Bivens, Bragg, Brewer, Buck, Byrd, Chiles, Clark (Davidson), Clark (Sumner), Cobb, Covington, Crain, Davidson, Davis (Gibson), Davis (Pickett), DeBerry, DePriest, Dills, Disspayne, Dixon, Drew, Duer, Ellis, Elsea, Ford, Frensley, Gafford, Gaia, Gill, Harrill, Hassell, Henry, Herndon, Hillis, Hudson, Hurley, Huskey, Jared, Johnson, Jones, Kelley, Kent, Kernell, King (Shelby), King (Washington), Kisber, Love, McAfee, McKinney, McNally, Miller, Montgomery, Moody, Moore (Shelby), Moore (Sullivan), Murphy, Murray, Naifeh, Nance, Napier, Owen, Percy, Phillips, Pickering, Pruitt, Rhinehart, Robertson, Robinson (Davidson), Robinson (Hamilton), Robinson (Washington), Scruggs, Severance, Shirley, Sir, Smith, Stallings, Starnes, Tanner, Turner (Hamilton), Ussery, Wallace, Webb, Wheeler, Whitson, Williams, Wix, Wolfe, Wood, Work and Yelton--93.

A motion to reconsider was tabled.

House Bill No. 1818--To change penalty provisions, fees and taxes.

On motion, House Bill No. 1818 was made to conform with Senate Bill No. 1983.

On motion, Senate Bill No. 1983, on same subject, was substituted for House Bill No. 1818.

Mr. Chiles moved that Senate Bill No. 1983 be passed on third and final consideration, which motion prevailed by the following vote:

Ayes	92
Noes	0

Representatives voting aye were: Anderson, Atchley, Bell, Bewley, Bivens, Bragg, Brewer, Buck, Byrd, Chiles, Clark (Davidson), Clark (Sumner), Covington, Crain, Davidson, Davis (Gibson), Davis (Pickett), DeBerry, DePriest, Dills, Disspayne, Dixon, Drew, Duer, Ellis, Elsea, Ford, Frensley, Gafford, Gaia, Gill, Harrill, Hassell, Henry, Herndon, Hillis, Hudson, Hurley, Huskey, Jared, Johnson, Jones, Kelley, Kent, Kernell, King (Shelby), King (Washington), Kisber, Love, McAfee, McKinney, McNally, Miller, Montgomery, Moody, Moore (Shelby), Moore (Sullivan), Murphy, Murray, Naifeh, Nance, Napier, Owen, Percy, Phillips, Pickering, Pruitt, Rhinehart, Robertson, Robinson (Davidson), Robinson (Hamilton), Robinson (Washington), Scruggs,

Severance, Shirley, Sir, Smith, Stallings, Starnes, Tanner, Turner (Hamilton), Ussery, Wallace, Webb, Wheeler, Whitson, Williams, Wix, Wolfe, Wood, Work and Yelton--92.

A motion to reconsider was tabled.

House Bill No. 1493--To amend Title 8, Chapter 30, Part 3, Code.

On motion, House Bill No. 1493 was made to conform with Senate Bill No. 1657.

On motion, Senate Bill No. 1657, on same subject, was substituted for House Bill No. 1493.

Mr. Byrd moved that Senate Bill No. 1657 be passed on third and final consideration.

Mr. Miller moved to amend as follows:

AMENDMENT NO. 1

Amend Senate Bill No. 1657 as follows:

Section 1 is amended by deleting it in its entirety and substituting in its place the following:

SECTION 1. Tennessee Code Annotated, Section 8-30-320, is amended by deleting the second sentence in its entirety and by substituting instead the following:

The seniority in a department or agency and service ratings of employees shall be considered in such manner as the rules may provide, with such seniority as the predominant factor, except for veteran's preference, among those factors used in determining the order of layoffs.

On motion, the amendment was adopted.

Mr. King (Shelby) moved to amend as follows:

AMENDMENT NO. 2

Amend Senate Bill No. 1657 by adding at the end of the amendatory language of Section 1 the following:

Provided, however, nothing in the preceding sentence shall be construed to prevent the precedence of any affirmative action program or goal which may be implemented by a state agency.

On motion, the amendment was adopted.

Thereupon, Senate Bill No. 1657, as amended, passed its third and final consideration by the following vote:

Ayes	92
Noes	0

Representatives voting aye were: Anderson, Atchley, Bell, Bewley, Bivens, Bragg, Brewer, Buck, Byrd, Chiles, Clark (Davidson), Clark (Sumner), Cobb, Covington, Crain, Davidson, Davis (Gibson), Davis (Pickett), DeBerry, DePriest, Dills, Disspayne, Dixon, Drew, Duer, Ellis, Elsea, Ford, Frensley, Gafford, Gaia, Gill, Harrill, Hassell, Henry, Herndon, Hillis, Hudson, Hurley, Huskey, Jared, Johnson, Jones, Kelley, Kent, Kernell, King (Shelby), King (Washington), Kisber, Love, McAfee, McKinney, McNally, Miller, Montgomery, Moody, Moore (Shelby), Moore (Sullivan), Murphy, Murray, Naifeh, Nance, Napier, Owen, Percy, Phillips, Pruitt, Rhinehart, Robertson, Robinson (Davidson), Robinson (Hamilton), Robinson (Washington), Scruggs, Severance, Shirley, Sir, Smith, Stallings, Starnes, Tanner, Turner (Hamilton), Ussery, Wallace, Webb, Wheeler, Whitson, Williams, Wix, Wolfe, Wood, Work and Yelton--92.

A motion to reconsider was tabled.

Mr. Covington moved that House Bill No. 657 be placed on the Calendar for Thursday, May 10, 1984, which motion prevailed.

House Bill No. 1686--To increase bail bond.

On motion, House Bill No. 1686 was made to conform with Senate Bill No. 1559.

On motion, Senate Bill No. 1559, on same subject, was substituted for House Bill No. 1686.

Mr. Chiles moved that Senate Bill No. 1559 be passed on third and final consideration, which motion prevailed by the following vote:

Ayes	93
Noes	0

Representatives voting aye were: Anderson, Atchley, Bell, Bewley, Bivens, Bragg, Brewer, Buck, Byrd, Chiles, Clark (Davidson), Clark (Sumner), Cobb, Covington, Crain, Davidson, Davis (Gibson), Davis (Pickett), DeBerry, DePriest, Dills, Disspayne, Drew, Duer, Ellis, Elsea, Ford, Frensley, Gafford, Gaia, Gill, Harrill, Hassell, Henry, Herndon, Hillis, Hudson, Hurley, Huskey, Jared, Johnson, Jones, Kelley, Kent, Kernell, King (Shelby), King (Washington), Kisber, Love, McAfee, McKinney, McNally, Miller, Montgomery, Moody, Moore (Shelby), Moore (Sullivan), Murphy, Murray, Naifeh, Nance, Napier, Owen, Percy, Phillips, Pickering, Pruitt, Rhinehart, Robertson, Robinson (Davidson), Robinson (Hamilton), Robinson (Washington), Scruggs, Severance, Shirley, Sir, Smith, Stallings, Starnes, Tanner, Turner (Hamilton), Turner (Shelby), Ussery, Wallace, Webb, Wheeler, Whitson, Williams, Wix, Wolfe, Wood, Work and Yelton--93.

A motion to reconsider was tabled.

House Bill No. 2140--To make certain provisions, property taxes.

Mr. Chiles moved that House Bill No. 2140 be passed on third and final consideration, which motion prevailed by the following vote:

Ayes	92
Noes	0

Representatives voting aye were: Anderson, Atchley, Bell, Bewley, Bivens, Bragg, Brewer, Buck, Byrd, Chiles, Clark (Davidson), Clark (Sumner), Cobb, Covington, Crain, Davidson, Davis (Gibson), Davis (Pickett), DeBerry, DePriest, Dills, Disspayne, Drew, Duer, Ellis, Elsea, Ford, Frensley, Gafford, Gaia, Gill, Harrill, Henry, Herndon, Hillis, Hudson, Hurley, Huskey, Jared, Johnson, Jones, Kelley, Kent, Kernell, King (Shelby), King (Washington), Kisber, Love, McAfee, McKinney, McNally, Miller, Montgomery, Moody, Moore (Shelby), Moore (Sullivan), Murphy, Murray, Naifeh, Nance, Napier, Owen, Percy, Phillips, Pickering, Pruitt, Rhinehart, Robertson, Robinson (Davidson), Robinson (Hamilton), Robinson (Washington), Scruggs, Severance, Shirley, Sir, Smith, Stallings, Starnes, Tanner, Turner (Hamilton), Turner (Shelby), Ussery, Wallace, Webb, Wheeler, Whitson, Williams, Wix, Wolfe, Wood, Work and Yelton--92.

A motion to reconsider was tabled.

House Joint Resolution No. 382--Relative to confirming appointments of Interim Certification Commission.

Mr. Cobb moved that House Joint Resolution No. 382 be adopted, which motion prevailed by the following vote:

Ayes	94
Noes	0

Representatives voting aye were: Anderson, Atchley, Bell, Bewley, Bivens, Bragg, Brewer, Buck, Byrd, Chiles, Clark (Davidson), Clark (Sumner), Cobb, Covington, Crain, Davidson, Davis (Gibson), Davis (Pickett), DeBerry, DePriest, Dills, Disspayne, Dixon, Drew, Duer, Ellis, Elsea, Ford, Frensley, Gafford, Gaia, Gill, Harrill, Hassell, Henry, Herndon, Hillis, Hudson, Hurley, Huskey, Jared, Johnson, Jones, Kelley, Kent, Kernell, King (Shelby), King (Washington), Kisber, Love, McAfee, McKinney, McNally, Miller, Montgomery, Moody, Moore (Shelby), Moore (Sullivan), Murphy, Murray, Naifeh, Nance, Napier, Owen, Percy, Phillips, Pickering, Pruitt, Rhinehart, Robertson, Robinson (Davidson), Robinson (Hamilton), Robinson (Washington), Scruggs, Severance, Shirley, Sir, Smith, Stallings, Starnes, Tanner, Turner (Hamilton), Turner (Shelby), Ussery, Wallace, Webb, Wheeler, Whitson, Williams, Wix, Wolfe, Wood, Work and Yelton--94.

A motion to reconsider was tabled.

House Bill No. 1975--To provide seizure, certain contraband property.

Mr. Wix moved that House Bill No. 1975 be passed on third and final consideration.

Mr. Murphy moved to amend as follows:

AMENDMENT NO. 1

Amend House Bill No. 1975 by substituting for the language "commissioner of revenue" in the amendatory language of Section 2 thereof, the following:

commissioner of safety

and further amend by substituting for the language "department of revenue" in the amendatory language of Section 2 thereof, the following:

department of safety

On motion, the amendment was adopted.

Thereupon, House Bill No. 1975, as amended, passed its third and final consideration by the following vote:

Ayes	79
Noes	11
Present and not voting	1

Representatives voting aye were: Anderson, Atchley, Bewley, Bivens, Bragg, Buck, Byrd, Chiles, Clark (Davidson), Clark (Sumner), Cobb, Covington, Crain, Davidson, Davis (Gibson), Davis (Pickett), DePriest, Dills, Disspayne, Dixon, Drew, Duer, Ellis, Elsea, Ford, Frensley, Gafford, Gaia, Gill, Harrill, Hassell, Henry, Herndon, Hillis, Hurley, Huskey, Jared, Johnson, Kelley, Kent, Kernell, Kisber, Love, McAfee, McKinney, McNally, Montgomery, Moore (Shelby), Murphy, Murray, Naifeh, Nance, Napier, Percy, Phillips, Pickering, Pruitt, Rhinehart, Robinson (Davidson), Robinson (Hamilton), Scruggs, Severance, Shirley, Sir, Smith, Stallings, Starnes, Tanner, Turner (Hamilton), Turner (Shelby), Ussery, Wallace, Webb, Wheeler, Wix, Wolfe, Wood, Work and Yelton--79.

Representatives voting no were: Bell, DeBerry, Hudson, Jones, King (Washington), Miller, Moody, Robertson, Robinson (Washington), Whitson, Williams--11.

Representative present and not voting was: Owen--1.

A motion to reconsider was tabled.

House Bill No. 2109--To allow concurrent jurisdiction, certain courts.

Ms. Montgomery moved that House Bill No. 2109 be passed on third and final consideration, which motion prevailed by the following vote:

Ayes 92
Noes 0

Representatives voting aye were: Anderson, Atchley, Bell, Bewley, Bivens, Bragg, Brewer, Buck, Byrd, Chiles, Clark (Davidson), Clark (Sumner), Cobb, Covington, Crain, Davidson, Davis (Gibson), Davis (Pickett), DeBerry, DePriest, Dills, Disspayne, Dixon, Drew, Duer, Ellis, Elsea, Ford, Frensley, Gafford, Gaia, Gill, Harrill, Hassell, Henry, Herndon, Hillis, Hudson, Hurley, Huskey, Jared, Johnson, Jones, Kelley, Kent, Kernell, King (Washington), Kisber, Love, McAfee, McKinney, McNally, Miller, Montgomery, Moody, Moore (Shelby), Murphy, Murray, Naifeh, Nance, Napier, Owen, Percy, Phillips, Pickering, Pruitt, Rhinehart, Robertson, Robinson (Davidson), Robinson (Hamilton), Robinson (Washington), Scruggs, Severance, Shirley, Sir, Smith, Stallings, Starnes, Tanner, Turner (Hamilton), Turner (Shelby), Ussery, Wallace, Webb, Wheeler, Whitson, Williams, Wix, Wolfe, Wood, Work and Yelton--92.

A motion to reconsider was tabled.

House Bill No. 1788--To extend reappraisal programs.

Ms. Montgomery moved that House Bill No. 1788 be passed on third and final consideration.

Mr. Wheeler moved to amend as follows:

AMENDMENT NO. 1

Amend House Bill No. 1788 by adding the following new Section 3 and renumbering the subsequent section accordingly:

SECTION 3. Tennessee Code Annotated, Section 67-5-2001(a) (2), is amended by adding between the words "property" and "if" the words "and the owner's last known mailing address".

On motion, the amendment was adopted.

Thereupon, House Bill No. 1788, as amended, passed its third and final consideration by the following vote:

Ayes 92
Noes 0

Representatives voting aye were: Anderson, Atchley, Bell, Bewley, Bivens, Bragg, Brewer, Buck, Byrd, Chiles, Clark (Davidson), Clark (Sumner), Cobb, Covington, Crain, Davidson, Davis (Gibson), Davis (Pickett), DePriest, Dills, Disspayne, Dixon, Drew, Duer, Ellis, Elsea, Ford, Frensley, Gafford, Gaia, Gill, Harrill, Hassell, Henry, Herndon, Hillis, Hudson, Hurley, Huskey, Jared, Johnson, Jones, Kelley, Kent, Kernell, King (Shelby), King (Washington), Kisber, Love, McAfee, McKinney, McNally, Miller, Montgomery, Moody, Moore (Shelby), Murphy, Murray, Naifeh, Nance, Napier, Owen, Percy, Phillips,

Pickering, Pruitt, Rhinehart, Robertson, Robinson (Davidson), Robinson (Hamilton), Robinson (Washington), Scruggs, Severance, Shirley, Sir, Smith, Stallings, Starnes, Tanner, Turner (Hamilton), Turner (Shelby), Ussery, Wallace, Webb, Wheeler, Whitson, Williams, Wix, Wolfe, Wood, Work and Yelton--92.

A motion to reconsider was tabled.

House Bill No. 1402--To provide for test fees, DUI cases.

Mr. Kent moved that House Bill No. 1402 be passed on third and final consideration, which motion prevailed by the following vote:

Ayes	90
Noes	0
Present and not voting	1

Representatives voting aye were: Anderson, Atchley, Bell, Bewley, Bivens, Bragg, Brewer, Buck, Byrd, Chiles, Clark (Davidson), Clark (Sumner), Covington, Crain, Davidson, Davis (Gibson), Davis (Pickett), DeBerry, DePriest, Dills, Disspayne, Dixon, Drew, Duer, Ellis, Elsea, Ford, Frensley, Gafford, Gaia, Gill, Harrill, Hassell, Henry, Herndon, Hillis, Hudson, Hurley, Huskey, Jared, Johnson, Jones, Kelley, Kent, Kernell, King (Washington), Kisber, Love, McAfee, McKinney, McNally, Miller, Montgomery, Moody, Moore (Shelby), Murphy, Murray, Naifeh, Nance, Napier, Owen, Percy, Phillips, Pickering, Pruitt, Rhinehart, Robertson, Robinson (Davidson), Robinson (Hamilton), Robinson (Washington), Scruggs, Severance, Sir, Smith, Stallings, Starnes, Tanner, Turner (Hamilton), Turner (Shelby), Ussery, Wallace, Webb, Wheeler, Whitson, Williams, Wix, Wolfe, Wood, Work and Yelton--90.

Representative present and not voting was: Shirley--1.

A motion to reconsider was tabled.

House Bill No. 1401--To provide for traffic citation in lieu of arrest, certain cases.

Mr. Kent moved that House Bill No. 1401 be passed on third and final consideration, which motion prevailed by the following vote:

Ayes	89
Noes	1

Representatives voting aye were: Anderson, Atchley, Bell, Bivens, Bragg, Brewer, Buck, Byrd, Chiles, Clark (Davidson), Clark (Sumner), Covington, Crain, Davidson, Davis (Gibson), Davis (Pickett), DeBerry, DePriest, Dills, Disspayne, Dixon, Drew, Duer, Ellis, Elsea, Ford, Frensley, Gafford, Gaia, Gill, Harrill, Hassell, Henry, Hillis, Hudson, Hurley, Huskey, Jared, Johnson, Jones, Kelley, Kent, Kernell, King (Shelby), King (Washington), Kisber, Love, McAfee, McKinney, McNally, Miller, Montgomery, Moody, Moore (Shelby), Murphy, Murray,

Naifeh, Nance, Napier, Owen, Percy, Phillips, Pickering, Rhinehart, Robertson, Robinson (Davidson), Robinson (Hamilton), Robinson (Washington), Scruggs, Severance, Shirley, Sir, Smith, Stallings, Starnes, Tanner, Turner (Hamilton), Turner (Shelby), Ussery, Wallace, Webb, Wheeler, Whitson, Williams, Wix, Wolfe, Wood, Work and Yelton --89.

Representative voting no was: Pruitt--1.

A motion to reconsider was tabled.

House Bill No. 1845--To amend Air Quality Act.

Mr. Moore (Shelby) moved that House Bill No. 1845 be passed on third and final consideration.

Mr. Hillis moved to amend as follows:

AMENDMENT NO. 1

Amend House Bill No. 1845 in section 5 by deleting it in its entirety.

AND FURTHER AMEND in section 7 by deleting the clause which states "Delete subsection (5) in its entirety".

AND FURTHER AMEND in section 8 by deleting subsection (a) in its entirety and substituting the followig in its place:

(a) A person aggrieved by a decision or action of the technical secretary on a permit, order, or assessment may request a hearing before the board pursuant to the provisions of this part. Such hearing and hearings before the board on requests for variances, certificates of exemption, and permits shall be conducted as contested cases in accordance with the Uniform Administrative Procedures Act, T.C.A. Section 4-5-301, et. seq.

AND FURTHER AMEND in section 9 by deleting it in its entirety and substituting the following in its place:

Amend Chapter 25 of Title 68 by adding a new section 68-25-118 as follows:

(a) Any person seeking a variance shall do so by filing a petition for variance with the technical secretary. The technical secretary shall promptly investigate such petition and make recommendation to the board as to the disposition thereof;

(b) Upon receiving the recommendation of the technical secretary, the board may, if such recommendation is for the granting of a variance, do so without hearing. If the recommendation of the technical secretary is against the granting of a variance or the board, in its discretion, concludes that a

hearing would be advisable, then a hearing shall be held not later than sixty (60) days after receipt of recommendation of the technical secretary by the board;

(c) The petitioner shall be given written notice at the earliest practicable time as to the time and place of such hearing;

(d) Any member of the board, or, with the approval of the governor, any person licensed to practice law in the state of Tennessee and designated by the board to act as hearing examiner, may act as hearing examiner to conduct hearings, administer oaths, subpoena witnesses, and enforce the attendances of witnesses at the hearing. Any member of the board, the hearing examiner or counsel representing the board may examine or cross-examine all witnesses. A complete record of the hearing shall be made for review by the board members;

(e) All testimony shall be under oath and stenographically recorded. The transcript so recorded shall be available to the petitioner or any party to the hearing upon payment of the usual charges therefor;

(f) The board in considering the granting of a variance shall give due consideration to the equities of the petitioner and others who may be affected by granting or denial of the petition;

(g) The board may make the granting of a petition for variance contingent upon such other requirements or restrictions on the petitioner as it may deem appropriate and reasonable;

(h) Any variance granted shall be for a period not to exceed one (1) year, but may be extended from time to time but in no case for longer than one (1) year at a time upon recommendation of the technical secretary and affirmative action by the board;

(i) The board shall issue, enter and mail to the petitioner in writing, by certified mail, return receipt requested, within sixty (60) days following the final argument in such hearing or within sixty (60) days following receipt of the recommendation of the technical secretary when no hearing is held, its final order or determination. Such order or determination shall be approved in writing by at least seven (7) members of the board;

(j) Upon failure of the board to issue, enter and mail to the petitioners a final order or determination within sixty (60) days after the final argument in any such hearing or within sixty (60) days following receipt of the recommendation of the technical secretary when no hearing is held, the petitioner shall be entitled to treat for all purposes such failure to act as a granting of the variance requested; and

(k) The burden of proof in such hearings shall be upon the petitioner.

AND FURTHER AMEND in section 11 by deleting from the first sentence the words "by any party, including the department, who is or may be adversely affected thereby" and by deleting from the second sentence the words "or the panel".

AND FURTHER AMEND in section 13 by deleting paragraphs (b)(1) and (b)(2) by deleting them in their entirety and substituting the following in their place:

(1) Any political subdivision desiring to be exempted from the provisions of this part may file a petition for certificate of exemption with the technical secretary. The technical secretary shall promptly investigate such petition and make recommendation to the board as to the disposition thereof;

(2) Upon receiving the recommendation of the technical secretary, the board may, if such recommendation is for the granting of the petition, do so without hearing. If the recommendation of the technical secretary is against the granting of the petition or the board, in its discretion, concludes that a hearing would be advisable, then a hearing shall be held not later than sixty (60) days after receipt of recommendation of the technical secretary by the board;

AND FURTHER AMEND in section 13 by deleting the words "upon appeal" from paragraph (b)(3) and deleting the words "The commissioner or" from paragraph (b)(4).

AND FURTHER AMEND in section 13 by adding to paragraph (b)(7) the words, "upon reasonable notice to the municipality," before the words, "may suspend the exemption".

AND FURTHER AMEND in section 13 by deleting from paragraph (c) the date "June 1" and substituting the date, "July 1," in its place.

AND FURTHER AMEND in section 13 by deleting from paragraph (c) the words "five (5) years" and substitute "two (2) years" in their place.

AND FURTHER AMEND in section 14 by deleting the word "commissioner" where it appears in paragraphs (a), (b)(2)(A), and (b)(2)(B) and substitute "technical secretary" in its place.

AND FURTHER AMEND in section 14 by deleting the first sentence of paragraph (b)(2)(D) in its entirety and substituting the following in its place:

(D) Whenever any assessment has become final because of a person's failure to appeal either the technical secretary's assessment or the board's order, the commissioner or the board may apply to the appropriate court for a judgment and seek execution on such judgment.

Mr. Moore (Shelby) moved to amend Amendment No. 1 as follows:

AMENDMENT NO. 1 TO AMENDMENT NO. 1

Amend Amendment 1 on pages 2 and 3 by deleting the language amending Section 11 entirely and by substituting the following:

AND FURTHER AMEND in section 11 by deleting from the first sentence the word "including" and by substituting the word "except", and by deleting from the second sentence the words "or the panel".

On motion, Amendment No. 1 to Amendment No. 1 was adopted.

Thereupon, Amendment No. 1, as amended, was adopted.

Thereupon, House Bill No. 1845, as amended, passed its third and final consideration by the following vote:

Ayes	91
Noes	0

Representatives voting aye were: Anderson, Atchley, Bell, Bewley, Bivens, Bragg, Brewer, Buck, Byrd, Chiles, Clark (Davidson), Clark (Sumner), Cobb, Covington, Crain, Davidson, Davis (Gibson), Davis (Pickett), DeBerry, DePriest, Dills, Disspayne, Dixon, Drew, Duer, Ellis, Ford, Frensley, Gafford, Gaia, Gill, Harrill, Hassell, Henry, Herndon, Hillis, Hudson, Hurley, Huskey, Jared, Jones, Kelley, Kent, Kernell, King (Shelby), King (Washington), Kisber, Love, McAfee, McKinney, McNally, Miller, Montgomery, Moody, Moore (Shelby), Moore (Sullivan), Murphy, Murray, Naifeh, Nance, Owen, Percy, Phillips, Pickering, Pruitt, Rhinehart, Robertson, Robinson (Davidson), Robinson (Hamilton), Robinson (Washington), Scruggs, Severance, Shirley, Sir, Smith, Stallings, Starnes, Tanner, Turner (Hamilton), Turner (Shelby), Ussery, Wallace, Webb, Wheeler, Whitson, Williams, Wix, Wolfe, Wood, Work and Yelton--91.

A motion to reconsider was tabled.

Mr. Speaker McWherter resumed the Chair.

FURTHER CONSIDERATION OF HOUSE BILL NO. 536

House Bill No. 536--To enact Child Nutrition Law.

Mr. Robertson moved that the motion to re-refer House Bill No. 536 to the Committee on Finance, Ways and Means be withdrawn, which motion prevailed.

Mr. Cobb moved that Amendment No. 2 to Amendment No. 1 be withdrawn, which motion prevailed.

Mr. Murphy requested that Amendment No. 1 be withdrawn.

Mr. Rhinehart moved the previous question, on Amendment No. 1 as amended, which motion prevailed by the following vote:

Ayes	60
Noes	28
Present and not voting	1

Representatives voting aye were: Anderson, Bell, Bewley, Bragg, Buck, Chiles, Clark (Sumner), Covington, Crain, Davis (Gibson), Davis (Pickett), DePriest, Dills, Drew, Duer, Ellis, Elsea, Ford, Frensley, Gafford, Gaia, Gill, Harrill, Hassell, Henry, Hudson, Hurley, Huskey, Jared, Johnson, Kelley, Kent, King (Washington), Kisber, McAfee, Montgomery, Moody, Murray, Nance, Napier, Percy, Phillips, Rhinehart, Robertson, Robinson (Davidson), Robinson (Washington), Scruggs, Severance, Sir, Smith, Stallings, Tanner, Wallace, Webb, Whitson, Williams, Wix, Wolfe and Wood, Work--60.

Representatives voting no were: Atchley, Bivens, Brewer, Byrd, Clark (Davidson), Cobb, Davidson, DeBerry, Disspayne, Dixon, Hillis, Jones, Kernell, King (Shelby), Love, McKinney, McNally, Miller, Murphy, Naifeh, Owen, Pickering, Pruitt, Robinson (Hamilton), Shirley, Starnes, Turner (Hamilton) and Wheeler--28.

Representative present and not voting was: Moore (Sullivan)--1.

Thereupon, Amendment No. 1, as amended, was adopted by the following vote:

Ayes	49
Noes	43

Representatives voting aye were: Anderson, Atchley, Bell, Bewley, Bragg, Buck, Byrd, Chiles, Clark (Sumner), Crain, Davis (Gibson), Davis (Pickett), DePriest, Dills, Duer, Ellis, Elsea, Ford, Frensley, Gafford, Harrill, Hassell, Herndon, Hurley, Huskey, Jared, Johnson, Kelley, Kent, McAfee, Montgomery, Moody, Moore (Shelby), Murray, Nance, Napier, Rhinehart, Scruggs, Severance, Shirley, Smith, Tanner, Ussery, Wallace, Webb, Wix, Wolfe, Wood and Work--49.

Representatives voting no were: Bivens, Brewer, Clark (Davidson), Cobb, Covington, Davidson, DeBerry, Disspayne, Dixon, Drew, Gaia, Gill, Henry, Hillis, Hudson, Jones, Kernell, King (Shelby), King (Washington), Kisber, Love, McKinney, McNally, Miller, Moore (Sullivan), Murphy, Naifeh, Owen, Percy, Phillips, Pickering, Pruitt, Robinson (Davidson), Robinson (Hamilton), Robinson (Washington), Sir, Stallings, Starnes, Turner (Hamilton), Wheeler, Whitson, Williams and Yelton--43.

Mr. Cobb moved to amend as follows:

AMENDMENT NO. 2

Amend House Bill No. 536 by deleting everything following the enacting clause and substituting instead:

SECTION 1. TITLE. This Act may be cited as the "Tennessee Child Nutrition Law."

SECTION 2. ADMINISTRATION. The commissioner of education shall promulgate rules and regulations which shall:

(a) Establish minimum nutrition requirements for school lunch and school breakfast programs.

(b) Establish standards of income eligibility for free or reduced price meals for disadvantaged children.

(c) Prescribe uniform methods for determining eligibility for free or reduced price meals.

(d) Require that each school board establish a method to regularly notify students and parents of the availability of free or reduced price meals and to encourage participation in the breakfast program.

(e) Establish a uniform reporting system for the collection and compilation of data on the administration of this Act including a report on each individual school.

(f) Require each local school board to submit to the commissioner a plan for compliance with this Act sixty days (60) prior to the beginning of the school year. For each subsequent school year, require each local school board to submit modifications to the plan sixty (60) days prior to the beginning of the school year.

(g) Require each local school board to certify to the commissioner compliance with the plan as submitted or modified within thirty (30) days after the beginning of the school year.

(h) Provide that compliance with the standards and requirements of the National School Lunch Program and the National School Breakfast Program or their successors shall be deemed compliance with these requirements.

(i) Permit, in accordance with federal requirements, reimbursement for supervision of students participating in a meals program required by this Act.

(j) Require the commissioner to waive the requirements of Section 4(b) for any individual school for each year that a local education agency demonstrates: (1) that the implementation of a school breakfast program would cause an unavoidable and unreasonable disruption of schedule which would substantially impair the ability of the school to maintain a proper educational program, (2) the cumulative annualized participation in the school breakfast program is less than fifty (50) students and the school has complied with Section 2(d) or (3) that the implementation of the program would cause the expenditure of state or local

education funds for which reimbursement under the National School Breakfast Program is unavailable or inadequate.

SECTION 3. Construction.

(a) Nothing in this Act shall be construed to limit the full six and one-half (6 1/2) hours instructional school time or to lengthen without compensation the established work day of certificated personnel, nor shall the principal be in charge of the school lunch program in any county where a system-wide food service manager is available.

(b) If federal funds for the provision of free or reduced priced meals become unavailable, the provision of meals under Section 4 of this Act shall no longer be required. However, nothing in this section shall prohibit the use of state or local funds to administer the program if such funds are made available.

SECTION 4. CHILD NUTRITION PROGRAMS.

(a) Each school board shall establish a school lunch program in every school under its jurisdiction in accordance with rules and regulations established under Section 2 of this Act.

(b) Each school board shall establish a school breakfast program in the following school based on the cumulative analysis of school lunch participation for the month of April of the preceding school year:

(1) every school which contains kindergarden through eighth grade in which twenty-five percent (25%) or more of the students participated in the school lunch program at a free or reduced price and

(2) in every school which does not contain a kindergarden through eighth grade in which fifty percent (50%) or more of the students participated in the school lunch program at a free or reduced price.

SECTION 5. ENFORCEMENT. The commissioner of education shall review each plan and subsequent modifications submitted under Section 2(g) and determine whether the plan complies with this Act within thirty (30) days prior to the beginning of the school year.

SECTION 6. SANCTIONS. The commissioner of education shall investigate and promptly act upon any allegation of non-compliance with this Act or the rules and regulations established under this Act.

SECTION 7. LEGISLATIVE OVERSIGHT. In January the commissioner of education shall report to the House and Senate Education Committees the number of schools and children participating in child nutrition programs under this act, the number of waivers requested under Section 2(j) and the number of waivers granted along with the reasons such waivers were granted.

SECTION 8. EFFECTIVE DATE. This Act shall take effect upon becoming law, the public welfare requiring it.

Mr. Chiles moved that House Bill No. 536 be re-referred to the Committee on Education.

Mr. McKinney moved that the motion be tabled, which motion prevailed by the following vote:

Ayes	47
Noes	44
Present and not voting	1

Representatives voting aye were: Bivens, Brewer, Byrd, Clark (Davidson), Cobb, Covington, Davidson, Davis (Pickett), DeBerry, Disspayne, Dixon, Ellis, Ford, Frensley, Gaia, Gill, Hassell, Herndon, Hillis, Hudson, Hurley, Jones, Kernell, King (Shelby), King (Washington), Kisber Love, McKinney, McNally, Miller, Moore (Sullivan), Murphy, Naifeh, Owen, Percy, Phillips, Pickering, Pruitt, Robinson (Davidson), Shirley, Sir, Stallings, Starnes, Turner (Hamilton), Wheeler, Whitson and Yelton--47.

Representatives voting no were: Anderson, Atchley, Bell, Bewley, Bragg, Buck, Chiles, Clark (Sumner), Crain, Davis (Gibson), DePriest, Dills, Drew, Duer, Elsea, Gafford, Harrill, Huskey, Jared, Johnson, Kelley, Kent, McAfee, Montgomery, Moody, Moore (Shelby), Murray, Nance, Napier, Rhinehart, Robinson (Hamilton), Robinson (Washington), Scruggs, Severance, Smith, Tanner, Ussery, Wallace, Webb, Williams, Wix, Wolfe, Wood, and Work--44.

Representative present and not voting was: Robertson--1.

Mr. Rhinehart moved that Amendment No. 2 be tabled, which motion prevailed by the following vote:

Ayes	54
Noes	39

Representatives voting aye were: Anderson, Atchley, Bell, Bewley, Bragg, Buck, Byrd, Chiles, Clark (Sumner), Crain, Davis (Gibson), Davis (Pickett), DePriest, Dills, Duer, Elsea, Ford, Frensley, Gafford, Harrill, Hassell, Henry, Herndon, Huskey, Jared, Johnson, Kelley, Kent, McAfee, Montgomery, Moody, Moore (Shelby), Murray, Nance, Napier, Percy, Phillips, Rhinehart, Robertson, Robinson (Washington), Scruggs, Severance, Shirley, Smith, Tanner, Ussery, Wallace, Webb, Whitson, Williams, Wix, Wolfe, Wood and Work--54.

Representatives voting no were: Bivens, Brewer, Clark (Davidson), Cobb, Covington, Davidson, DeBerry, Disspayne, Dixon, Drew, Ellis, Gaia, Gill, Hillis, Hudson, Hurley, Jones, Kernell, King (Shelby), King (Washington), Kisber, Love, McKinney, McNally, Miller, Moore (Sullivan), Murphy, Naifeh, Owen, Pickering, Pruitt, Robinson (Davidson), Robinson (Hamilton), Sir, Stallings, Starnes, Turner (Hamilton), Wheeler and Yelton--39.

Mr. Cobb moved that House Bill No. 536 be re-referred to the Committee on Calendar and Rules, which motion prevailed.

CONSENT CALENDAR

OBJECTION

An objection was filed to the following resolution on the Consent Calendar:

Mr. Napier objected to House Joint Resolution No. 436.

Under the rules, House Joint Resolution No. 436 was placed at the foot of the Calendar for Wednesday, April 25, 1984.

CONSENT CALENDAR

House Bill No. 1620--To provide for filling vacancy, county executive.

House Bill No. 134--To continue health coordinating council.

House Resolution No. 119--Relative to Tennessee Board of Medical Examiners.

House Resolution No. 118--Relative to congratulating J.R. "Pitt" Hyde III.

House Joint Resolution No. 428--Relative to congratulating Stewart County Soil Conservation District Youth Board.

House Joint Resolution No. 434--Relative to honoring Mr. Harry Porter on his 90th birthday.

House Bill No. 2259--To make provisions, probate court, Monroe County.

House Bill No. 2260--To amend Charter, Tiptonville.

House Bill No. 2261--To amend Charter, Friendsville.

Mr. Gill moved that all House Bills on the Consent Calendar be passed on third and final consideration, and all House Resolutions and House Joint Resolutions on the Consent Calendar be adopted, which motion prevailed by the following vote:

Ayes	91
Noes	0

Representatives voting aye were: Anderson, Atchley, Bell, Bewley, Bivens, Bragg, Brewer, Buck, Chiles, Clark (Davidson), Clark (Sumner), Cobb, Covington, Crain, Davidson, Davis (Gibson), Davis (Pickett), DeBerry, DePriest, Dills, Disspayne, Dixon, Drew, Duer, Ellis, Elsea, Ford, Frensley, Gafford, Gill, Harrill, Hassell, Henry, Herndon, Hillis, Hudson, Hurley, Huskey, Jared, Johnson, Jones, Kelley, Kent, King (Shelby), King (Washington), Kisber, Love, McAfee, McKinney, McNally, Miller, Montgomery, Moody, Moore (Shelby), Murphy, Murray, Naifeh, Nance, Napier, Owen, Percy, Phillips, Pickering, Pruitt, Rhinehart, Robertson, Robinson (Davidson), Robinson (Hamilton), Robinson (Washington), Scruggs, Severance, Shirley, Sir, Smith, Stallings, Starnes, Tanner, Turner (Hamilton), Turner (Shelby), Ussery, Wallace, Webb, Wheeler, Whitson, Williams, Wix, Wolfe, Wood, Work, Yelton and Mr. Speaker McWherter--91.

A motion to reconsider was tabled.

RESOLUTIONS LYING OVER

Senate Joint Resolution No. 197--Relative to commending James Brown.

Under the rules, Senate Joint Resolution No. 197 was referred to the Committee on Calendar and Rules.

The Speaker announced that Senate Joint Resolutions Nos. 168, 169, 170, 171, 172, 173, 174 and 175 would be held on the desk.

Mr. Wheeler moved that the rules be suspended for the purpose of introducing House Joint Resolution No. 453 out of order, which motion prevailed.

House Joint Resolution No. 453--Relative to congratulating Tim George as Farmer of the Year--By Wheeler.

Mr. Wheeler moved that the rules be suspended for the immediate consideration of House Joint Resolution No. 453, which motion prevailed.

On motion, the resolution was adopted.

A motion to reconsider was tabled.

HOUSE BILL ON SENATE AMENDMENT

House Bill No. 1465--To provide for out-of-state, legislators.

SENATE AMENDMENT NO. 1

Amend House Bill No. 1465 in Section 1 by deleting in the amendatory language the words "His actual and reasonable expenses, as approved by the applicable speaker, for lodging, meals, and intra-city transportation" and substituting instead the words "the actual receipted costs of a standard grade hotel room and intra-city transportation. Costs of meals shall be reimbursed out of the expense allowance otherwise provided by this section."

Mr. Rhinehart moved that the House concur in Senate Amendment No. 1, which motion prevailed by the following vote:

Ayes	82
Noes	4

Representatives voting aye were: Anderson, Atchley, Bell, Bewley, Bragg, Buck, Clark (Sumner), Cobb, Crain, Davidson, Davis (Gibson), Davis (Pickett), DeBerry, DePriest, Dills, Dixon, Drew, Duer, Ellis, Elsea, Ford, Frensey, Gafford, Gaia, Gill, Harrill, Hassell, Henry, Herndon, Hillis, Hudson, Hurley, Huskey, Jared, Johnson, Jones, Kelley, Kent, Kernell, King (Shelby), Kisber, Love, McAfee, McKinney, McNally, Miller, Montgomery, Moody, Moore (Shelby), Moore (Sullivan), Murphy, Murray, Naifeh, Nance, Napier, Owen, Percy, Phillips, Pickering, Pruitt, Rhinehart, Robertson, Robinson (Davidson), Robinson (Hamilton), Robinson (Washington), Scruggs, Severance, Shirley, Smith, Stallings, Starnes, Tanner, Ussery, Wallace, Webb, Wheeler, Whitson, Williams, Wolfe, Wood, Work and Mr. Speaker McWherter--82.

Representatives voting no were: Bivens, Chiles, Covington and Sir--4.

A motion to reconsider was tabled.

HOUSE BILL ON SENATE AMENDMENTS

House Bill No. 1615--To impose penalties, Petroleum Trade Practices.

SENATE AMENDMENT NO. 2

Amend House Bill No. 1615 by deleting paragraph (D) from subsection (1) of Section 1 in its entirety.

AND FURTHER AMEND by adding a new sentence in Section 9 as follows:

This act shall expire, be repealed, and shall cease to have any force and effect three (3) years after it becomes law.

Mr. Yelton moved that the House concur in Senate Amendment No. 2, which motion prevailed by the following vote:

Ayes 86
Noes 2

Representatives voting aye were: Anderson, Atchley, Bell, Bewley, Bivens, Bragg, Buck, Byrd, Chiles, Clark (Sumner), Cobb, Covington, Crain, Davidson, Davis (Gibson), Davis (Pickett), DeBerry, DePriest, Dills, Disspayne, Dixon, Duer, Ellis, Elsea, Ford, Frensley, Gafford, Gaia, Gill, Harrill, Hassell, Henry, Herndon, Hillis, Hurley, Huskey, Jared, Johnson, Jones, Kelley, Kent, Kernell, King (Shelby), Kisber, Love, McAfee, McKinney, McNally, Miller, Moody, Moore (Shelby), Moore (Sullivan), Murphy, Murray, Naifeh, Nance, Napier, Owen, Percy, Phillips, Pickering, Pruitt, Rhinehart, Robertson, Robinson (Davidson), Robinson (Hamilton), Robinson (Washington), Scruggs, Severance, Shirley, Sir, Smith, Stallings, Starnes, Tanner, Turner (Shelby), Ussery, Wallace, Webb, Whitson, Williams, Wolfe, Wood, Work, Yelton and Mr. Speaker McWherter--86.

Representatives voting no were: King (Washington) and Montgomery--2.

SENATE AMENDMENT NO. 12

Amend House Bill No. 1615 by deleting Section 3 in its entirety and by substituting a new Section 3 to read as follows:

SECTION 3. it is unlawful for any person engaged in the sale of motor fuel or petroleum products to sell at the retail level, or offer to sell such products at retail below cost, as herein defined, or to sell or offer to sell said products at a retail price lower than the seller charges for product of a similar grade and quality, and in similar amounts, to other resellers or wholesalers at the same time and on the same level of distribution.

This does not preclude an extra markup at pumps where extra services are provided.

Mr. Yelton moved that the House concur in Senate Amendment No. 12, which motion prevailedd by the following vote:

Ayes 83
Noes 6

Representatives voting aye were: Anderson, Atchley, Bell, Bewley, Bivens, Bragg, Byrd, Chiles, Clark (Sumner), Cobb, Covington, Davidson, Davis (Gibson), Davis (Pickett), DeBerry, DePriest, Dills, Disspayne, Dixon, Duer, Ellis, Elsea, Ford, Frensley, Gafford, Gaia, Gill, Hassell, Henry, Herndon, Hillis, Hurley, Huskey, Jared, Johnson, Jones, Kelley, Kent, Kernell, King (Shelby), King (Washington), Kisber, Love, McAfee, McKinney, Miller, Moore (Shelby), Moore (Sullivan), Murphy, Murray, Naifeh, Nance, Napier, Owen, Percy, Phillips, Pickering, Pruitt, Rhinehart, Robertson, Robinson (Davidson), Robinson (Hamilton), Robinson (Washington), Scruggs,

Severance, Shirley, Sir, Smith, Stallings, Starnes, Tanner, Turner (Hamilton), Turner (Shelby), Wallace, Webb, Wheeler, Whitson, Williams, Wolfe, Wood, Work, Yelton and Mr. Speaker McWherter--83.

Representatives voting no were: Buck, Crain, Harrill, McNally, Montgomery and Moody--6.

SENATE AMENDMENT NO. 14

Amend House Bill No. 1615 in Section 1 Subsection 10 by inserting after the phrase "board or commission thereof;" the following language "nor shall it include petroleum lubricants or additives;"

Mr. Yelton moved that the House concur in Senate Amendment No. 14, which motion prevailed by the following vote:

Ayes	63
Noes	27
Present and not voting	1

Representatives voting aye were: Anderson, Atchley, Bell, Bivens, Bragg, Byrd, Clark (Sumner), Crain, Davidson, Davis (Gibson), Davis (Pickett), DeBerry, DePriest, Dills, Disspayne, Dixon, Duer, Ellis, Elsea, Gafford, Gaia, Gill, Henry, Herndon, Hillis, Hurley, Jared, Jones, Kent, Kernell, King (Shelby), Kisber, Love, McKinney, Miller, Moore (Shelby), Murphy, Murray, Naifeh, Napier, Owen, Phillips, Pickering, Rhinehart, Robertson, Robinson (Davidson), Robinson (Hamilton), Severance, Shirley, Sir, Stallings, Starnes, Tanner, Turner (Hamilton), Turner (Shelby), Wallace, Webb, Wheeler, Whitson, Wix, Wolfe, Yelton and Mr. Speaker McWherter--63.

Representatives voting no were: Bewley, Buck, Chiles, Cobb, Covington, Ford, Frensley, Harrill, Hassell, Huskey, Kelley, King (Washington), McAfee, McNally, Montgomery, Moody, Moore (Sullivan), Nance, Percy, Pruitt, Robinson (Washington), Scruggs, Smith, Ussery, Williams, Wood and Work--27.

Representative present and not voting was: Johnson--1.

A motion to reconsider was tabled.

HOUSE BILL ON SENATE AMENDMENT

House Bill No. 1825--To require smoke detectors, certain buildings.

SENATE AMENDMENT NO. 1

Amend House Bill No. 1825 by deleting from SECTION 11 the words "the public welfare requiring it" and substituting the following language:

except, however, that this act shall not apply with respect to public housing financed by the United States department of housing and urban development until January 1, 1986

Mr. Atchley moved that the House concur in Senate Amendment No. 1, which motion prevailed by the following vote:

Ayes	87
Noes	0

Representatives voting aye were: Anderson, Atchley, Bell, Bewley, Bivens, Bragg, Buck, Byrd, Chiles, Clark (Davidson), Clark (Sumner), Cobb, Covington, Crain, Davidson, Davis (Gibson), DeBerry, Dills, Disspayne, Dixon, Duer, Ellis, Elsea, Ford, Frensley, Gafford, Gill, Harrill, Hassell, Henry, Herndon, Hillis, Hurley, Huskey, Jared, Johnson, Jones, Kelley, Kent, Kernell, King (Shelby), King (Washington), Kisber, Love, McAfee, McKinney, McNally, Miller, Montgomery, Moody, Moore (Shelby), Moore (Sullivan), Murphy, Murray, Naifeh, Nance, Napier, Owen, Phillips, Pickering, Pruitt, Rhinehart, Robertson, Robinson (Davidson), Robinson (Hamilton), Robinson (Washington), Scruggs, Severance, Shirley, Sir, Stallings, Starnes, Tanner, Turner (Hamilton), Turner (Shelby), Ussery, Wallace, Webb, Wheeler, Whitson, Williams, Wix, Wolfe, Wood, Work, Yelton and Mr. Speaker McWherter--87.

A motion to reconsider was tabled.

HOUSE BILL ON SENATE AMENDMENT

House Bill No. 1955--To provide for payroll deductions, certain employee dues.

SENATE AMENDMENT NO. 13

Amend House Bill No. 1955 by inserting the following new sentence at the beginning of the amendatory language in item (b) (1) of Section 2:

Any employee of the state of Tennessee who engages or participates in a work stoppage or who authorizes or encourages a work stoppage shall be guilty of gross misconduct, shall immediately and permanently forfeit the right to have deductions from compensation authorized in this section, and may be subject to immediate termination of employment.

AND FURTHER AMEND the amendatory language designated as subsection (g) in Section 6 by inserting the word "exclusively" after the word "membership" and before the words "to faculty" and further amend such subsection (g) by inserting the words "for faculty" after the words "dues deduction" and before the words "at the institute".

AMENDMENT NO. 1 TO AMENDMENT NO. 13

Amend Amendment No. 13 by deleting the second paragraph and substituting the following language:

"AND FURTHER AMEND subsection (g) in Section 6 by inserting the words 'exclusively for faculty' after the words 'dues deduction' and before the words 'at the institute'."

Mr. Rhinehart moved that the House concur in Senate Amendment No. 13, as amended, which motion prevailed by the following vote:

Ayes	71
Noes	17

Representatives voting aye were: Bell, Bivens, Bragg, Buck, Byrd, Clark (Davidson), Cobb, Covington, Crain, Davidson, Davis (Gibson), Davis (Pickett), DeBerry, DePriest, Dills, Disspayne, Dixon, Duer, Ellis, Elsea, Ford, Gafford, Gaia, Gill, Harrill, Herndon, Hillis, Hurley, Huskey, Jared, Johnson, Jones, Kelley, Kent, Kernell, King (Shelby), King (Washington), Kisber, Love, McKinney, McNally, Miller, Moore (Sullivan), Murphy, Murray, Naifeh, Nance, Napier, Owen, Phillips, Pickering, Pruitt, Rhinehart, Robinson (Hamilton), Severance, Shirley, Sir, Stallings, Starnes, Tanner, Turner (Hamilton), Turner (Shelby), Ussery, Wallace, Webb, Whitson, Williams, Wix, Work, Yelton and Mr. Speaker McWherter--71.

Representatives voting no were: Anderson, Atchley, Bewley, Chiles, Frensley, Hassell, Henry, McAfee, Montgomery, Moody, Moore (Shelby), Percy, Robertson, Robinson (Washington), Scruggs, Wolfe and Wood--17.

A motion to reconsider was tabled.

FURTHER CONSIDERATION OF HOUSE BILL NO. 853

House Bill No. 853--To amend Section 8-27-101, Code.

Mr. Davidson moved that the House pass House Bill No. 853, notwithstanding the objections of the Governor, which motion prevailed by the following vote:

Ayes	56
Noes	33

Representatives voting aye were: Bell, Bivens, Bragg, Buck, Byrd, Cobb, Covington, Crain, Davidson, Davis (Gibson), Davis (Pickett), DeBerry, DePriest, Dills, Disspayne, Dixon, Ellis, Gafford, Gill, Herndon, Hillis, Jared, Johnson, Jones, Kelley, Kernell, King (Shelby), King (Washington), Kisber, Love, McKinney, Miller, Moore (Sullivan), Murphy, Murray, Naifeh, Napier, Owen, Phillips, Pickering, Pruitt, Rhinehart, Robinson (Davidson), Robinson (Hamilton), Shirley, Sir, Stallings, Starnes, Tanner, Turner (Hamilton), Turner (Shelby), Wheeler, Wix, Work, Yelton and Mr. Speaker McWherter--56.

Representatives voting no were: Anderson, Atchley, Bewley, Chiles, Duer, Elsea, Ford, Frensley, Harrill, Hassell, Henry, Hurley, Huskey, Kent, McAfee, McNally, Montgomery, Moody, Moore (Shelby), Nance, Percy, Robertson, Robinson (Washington), Scruggs, Severance, Smith, Ussery, Wallace, Webb, Whitson, Williams, Wolfe and Wood --33.

A motion to reconsider was tabled.

BILLS WITHDRAWN

On motion of Mr. Johnson, House Bill No. 2095 was recalled from the Committee on Commerce.

On motion of Mr. Johnson, House Bill No. 2095 was withdrawn from the House.

On motion of Mr. Robertson, House Bill No. 1859 was recalled from the Committee on Finance, Ways and Means.

On motion of Mr. Robertson, House Bill No. 1859 was withdrawn from the House.

On motion of Mr. Kent, House Bill No. 6 was recalled from the Committee on Judiciary.

On motion of Mr. Kent, House Bill No. 6 was withdrawn from the House.

On motion of Mr. Kent, House Bill No. 1367 was recalled from the Committee on Judiciary.

On motion of Mr. Kent, House Bill No. 1367 was withdrawn from the House.

On motion of Mr. Kent, House Bill No. 1513 was recalled from the Committee on Judiciary.

On motion of Mr. Kent, House Bill No. 1513 was withdrawn from the House.

On motion of Mr. Kent, House Bill No. 1899 was recalled from the Committee on Judiciary.

On motion of Mr. Kent, House Bill No. 1899 was withdrawn from the House.

SECOND ROLL CALL

A roll call was taken with the following results:

Present 94

Representatives present were: Anderson, Atchley, Bell, Bewley, Bivens, Bragg, Brewer, Buck, Byrd, Chiles, Clark (Davidson), Clark (Sumner), Cobb, Covington, Crain, Davidson, Davis (Gibson), Davis (Pickett), DeBerry, DePriest, Dills, Disspayne, Dixon, Drew, Duer, Ellis, Elsea, Ford, Frensley, Gafford, Gaia, Gill, Harrill, Hassell, Henry, Herndon, Hillis, Hudson, Hurley, Huskey, Jared, Johnson, Jones, Kelley, Kent, Kernell, King (Shelby), King (Washington), Kisber, Love, McAfee, McKinney, McNally, Miller, Montgomery, Moody, Moore (Shelby), Moore (Sullivan), Murphy, Murray, Naifeh, Nance, Napier, Owen, Percy, Phillips, Pickering, Pruitt, Rhinehart, Robertson, Robinson (Davidson), Robinson (Hamilton), Robinson (Washington), Scruggs, Severance, Shirley, Sir, Smith, Stallings, Starnes, Tanner, Turner (Hamilton), Turner (Shelby), Ussery, Wallace, Webb, Wheeler, Whitson, Williams, Wix, Wolfe, Wood, Work and Yelton--94.

INTRODUCTION OF RESOLUTIONS

House Joint Resolution No. 437--Relative to locating VA Hospital and national cemetery, Knoxville Area--By Miller, Henry and Owen.

The Speaker referred House Joint Resolution No. 437 to the Committee on State and Local Government.

House Joint Resolution No. 438--Relative to commending Roy M. Lanier--By Crain.

Under the rules, House Joint Resolution No. 438 was referred to the Committee on Calendar and Rules.

House Joint Resolution No. 439--Relative to commending Morris Bales--By Starnes.

Under the rules, House Joint Resolution No. 439 was referred to the Committee on Calendar and Rules.

House Joint Resolution No. 440--Relative honoring Dr. Heissee Johnson--By Starnes.

Under the rules, House Joint Resolution No. 440 was referred to the Committee on Calendar and Rules.

House Joint Resolution No. 441--Relative to congratulating Waverly Central High School basketball team--By Gafford and Herndon.

Under the rules, House Joint Resolution No. 441 was referred to the Committee on Calendar and Rules.

House Joint Resolution No. 442--Relative to commending Henry L. Black--By Moody and Hurley.

Under the rules, House Joint Resolution No. 442 was referred to the Committee on Calendar and Rules.

House Joint Resolution No. 445--Relative to commending Roane Technology Task Force--By Henry, Duer and McNally.

Under the rules, House Joint Resolution No. 445 was referred to the Committee on Calendar and Rules.

House Joint Resolution No. 446--Relative to honoring Mrs. Barbara Walker--By Crain.

Under the rules, House Joint Resolution No. 446 was referred to the Committee on Calendar and Rules.

House Resolution No. 121--Relative to honoring Elizabeth Guy, Lois McGuire and Lela Brock--By Rhinehart.

Under the rules, House Resolution No. 121 was referred to the Committee on Calendar and Rules.

House Resolution No. 122--Relative to study, Fire Safety Codes --By Starnes and Montgomery.

The Speaker referred House Resolution No. 122 to the Committee on General Welfare.

INTRODUCTION OF BILLS

House Bill No. 2264--To regulate disposal of trash, certain counties--By Bewley and Whitson.

Passed first consideration.

House Bill No. 2265--To make certain provisions, civil suits--By McKinney.

Passed first consideration.

SENATE BILLS ON FIRST CONSIDERATION

Senate Bill No. 1528--To regulate forfeiture, certain property.

Passed first consideration.

Senate Bill No. 1768--To regulate fees, certain notices.

Passed first consideration.

Senate Bill No. 1815--To eliminate certain racial references.

Passed first consideration.

Senate Bill No. 1868--To amend Post Mortem Examination Act.

MONDAY, APRIL 23, 1984--64th LEGISLATIVE DAY

Passed first consideration.

Senate Bill No. 1876--To regulate employment, retired judges to hear certain cases.

Passed first consideration.

Senate Bill No. 1893--To make certain provisions, boating safety.

Passed first consideration.

Senate Bill No. 1909--To regulate priority, certain liens against property.

Passed first consideration.

Senate Bill No. 1935--To regulate professional boxing.

Passed first consideration.

Senate Bill No. 2043--To enact Tennessee Coal Cooperative Marketing Association Law.

Passed first consideration.

Senate Bill No. 2095--To regulate acquisition, railroads.

Passed first consideration.

Senate Bill No. 2108--To regulate practice, public accountancy.

Passed first consideration.

Senate Bill No. 2171--To regulate issuance, special license plates.

Passed first consideration.

HOUSE BILLS ON SECOND CONSIDERATION

House Bill NO. 2262--To amend Charter, McEwen.

Passed second consideration and held without reference.

House Bill No. 2263--To amend Charter, Clarksville.

Passed second consideration and held without reference.

REPORT OF COMMITTEE ON CALENDAR AND RULES

MR. SPEAKER: Your Committee on Calendar and Rules begs leave to report that we have met and set the following bills on the Calendar for Wednesday, April 25, 1984: House Bills Nos. 798, 1399, 1404,

1377, 1581, 1370, 1974, 808, 2057, 1724, 2203, 2166, 1706, 1708, 2138, 1598, 1793, 1873, 1872, 1592, 1784, 2192, 1425, 161 and 155.

GILL, Chairman.

LOCAL BILLS TRANSMITTED TO CALENDAR AND RULES

In accordance with Rule No. 47, the following local bills, having received authorization for passage by the local legislative delegation, were transmitted to the Committee on Calendar and Rules: House Bills Nos. 2262 and 2263.

REPORT OF COMMITTEE ON CALENDAR AND RULES

CONSENT CALENDAR

MR. SPEAKER: The officers of your Committee on Calendar and Rules beg leave to report that we have met and set the following bills on the Consent Calendar for Wednesday, April 25, 1984: House Bills Nos. 135, 153, 154, 560, 1944; Senate Joint Resolution No. 197; House Resolution No. 121; House Joint Resolutions Nos. 438, 439, 440, 441, 442, 445, 446; and House Bills Nos. 2262 and 2263.

GILL, Chairman.

ENGROSSED BILLS

MR. SPEAKER:

Your Chief Engrossing Clerk begs leave to report that we have carefully examined House Bills Nos. 134, 1401, 1402, 1620, 1696, 1788, 1845, 1975, 2109, 2140, 2259, 2260 and 2261; and House Joint Resolutions Nos. 382, 428, 434 and 453; and find same correctly engrossed and ready for transmission to the Senate.

MARILYN EVELYN HAND,
Chief Engrossing Clerk.

MESSAGE FROM THE SENATE

MR. SPEAKER: I am directed to return to the House, House Joint Resolutions Nos:

415--Relative to commending Al Hamilton:

416--Relative to congratulating Obion County Central High School girls' basbetball team;

417--Relative to memory, James K. Kennedy; all concurred in by the Senate.

CLYDE W. McCULLOUGH, JR.,
Chief Clerk.

MESSAGE FROM THE SENATE

MR. SPEAKER: I am directed to return to the House, House Bills Nos.:

1402--To regulate certain test fees, persons driving while intoxicated;

1432--To allow sale of alcholic beverages at "Urban Park Center";

1488--To make certain provisions, Retirement System;

1631--To make certain provisions, real estate transactions;

1718--To amend Business Tax Act;

1844--To establish procedures for reviewing claim denials;

1879--To regulate practice of dentistry; all substituted for Senate Bills on same subject and passed by the Senate.

CLYDE W. McCULLOUGH, JR.,
Chief Clerk.

MESSAGE FROM THE SENATE

MR. SPEAKER: I am directed to return to the House, House Bills Nos:

1409--To make certain provisions, retirement benefits;

1529--To make certain provisions, Profit Sharing Plans;

1888--To clarify law, allocation of state inheritance tax;

1973--To regulate issuance, temporary beer licenses;

2225--To make certain provisions, guide dogs; all substituted for Senate Bills on same subject and passed by the Senate.

CLYDE W. McCULLOUGH, JR.,
Chief Clerk.

MESSAGE FROM THE SENATE

MR. SPEAKER: I am directed to return to the House, House Bill No.:

2135--To regulate campaign financial disclosure; substituted for Senate Bill on same subject, amended, and passed by the Senate.

CLYDE W. McCULLOUGH, JR.,
Chief Clerk.

MESSAGE FROM THE SENATE

MR. SPEAKER: I am directed to transmit to the House, Senate Bills Nos.:

861--To regulate compensation and expense allowance, General Assembly;

1291--To regulate Board of Nursing;

1407--To regulate payment of certain fees, notaries;

1408--To make certain provisions, surety bonds, notaries;

1507--To regulate claims, unemployment insurance;

1585--To regulate auction, certain motor vehicles;

1587--To levy privilege tax, lodgings, Sumner County;

1588--To regulate junk yards, Sumner County;

1615--To exempt certain purchases, common carriers;

1616--To define single article, personal property;

1874--To make certain provisions, ratifying certain city;

1920--To make certain provisions, certain foreign insurance corporations;

2009--To regulate referenda, certain counties;

2011--To regulate Surface Transportation Assistance Act;

2050--To amend Section 3, Chapter 459, Public Acts 1983;

2109--To regulate hunting, public lands;

2132--To regulate enforcement provisions, motor vehicle privilege taxes;

2138--To make provisions, auctions and auctioneers;

2167--To make provisions, certain rock drills; all passed by the Senate.

CLYDE W. McCULLOUGH, JR.,
Chief Clerk.

SPONSORS ADDED

Without objection, the rules were suspended to allow the following members to add their names as sponsors to the bills as indicated below, the prime sponsor of each having agreed to such addition:

House Bill No. 761--Owen

House Bill No. 1374--Miller (co-prime)

House Bill No. 1784--Frensley

House Bill No. 2147--Dills

House Joint Resolution No. 436--Stallings, Naifeh, Tanner, Dills, Kisber, Johnson, Crain, Davis (Gibson)

On motion of Mr. Naifeh the House adjourned until 2:00 p.m., Wednesday, April 25, 1984.